



PATENT  
Attorney Docket No.: CIT1520-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sternberg et al.  
Serial No.: 09/479,467  
Filed: January 6, 2000  
Title: POLYCYSTIC KIDNEY DISEASE GENE HOMOLOGS REQUIRED FOR  
MALE MATING BEHAVIOR IN NEMATODES AND ASSAYS BASED  
THEREON

Art Unit: 1632  
Examiner: Paras, P.

BOX DAC  
Commissioner for Patents  
Washington, D.C. 20231

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OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE**  
**AN UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Sir:

The above identified application became abandoned for alleged failure to timely submit a Notice of Appeal for this application. It is respectfully submitted that the failure to submit the Notice of Appeal was unintentional.

Accompanying this Petition is a Statement regarding the time of delay from the due date of the reply to until the filing of the present petition, a Continued Prosecution Application in lieu of a Notice of Appeal and a Preliminary Amendment.

05/05/2002 AHONDAF1 00000051 501355 09479467  
03 FC:241 20.00 CH 620.00 OP

EXPRESS MAIL Number: EV 047 297 670 US

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**MIKHAIL BAYLEY**

(Name of Individual Depositing with P.O.)

(Signature of Individual Depositing with P.O.)

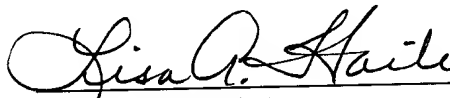
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Also enclosed is a check in the amount of \$1,450.00, which includes \$620.00 for the petition fee to revive an unintentionally abandoned application, \$460.00 for a three-month extension of time for reply to the Final Office Action, and \$370.00 for the filing of a Continued Prosecution Application. No additional fees are believed due with the present petition. However, please charge any additional fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: May 30, 2002



Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213

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**STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE  
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Sir:

The above identified application became abandoned for alleged failure to timely submit a Notice of Appeal for this application. It is respectfully submitted that the failure to submit the Notice of Appeal was unintentional.

In prosecution of the present application, a Final Office Action was mailed on July 31, 2001 to the Heller, Ehrman, White and McAuliffe law firm. A response after final was timely mailed by Applicants on October 26, 2001, but did not include a Notice of Appeal. In late 2001,

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**MIKHAL BAYLEY**

(Name of Individual Depositing with P.O.)

*Mikhail Bayley*  
(Signature of Individual Depositing with P.O.)

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the application was transferred from one law firm to another. In the transfer, it was not made clear that a Notice of Appeal had not been filed. It was not until an Advisory Action mailed February 1, 2002 was received in the offices of Gray, Cary, Ware and Freidenrich on February 13, 2002 that applicants became aware that a Notice of Appeal had not been filed and that the time for filing such Notice had expired on January 31, 2002.

Immediately upon receipt of the Advisory Action, applicants began preparation of the present petition. Therefore, the delay between the due date of the reply and the receipt of the Advisory Action was due to the fact that Applicants were unaware that a notice of Appeal had not been filed. The failure to file the Notice of Appeal was unintentional, as Applicants would have filed the Notice of Appeal, had they realized it had not been previously filed. The delay between the receipt of the Advisory Action and the filing of the present petition is due to the time required to investigate the situation and to prepare the present petition. Accompanying this Statement are a Petition for Revival of an Unintentionally Abandoned Application, a Continued Prosecution Application in lieu of a Notice of Appeal and a Preliminary Amendment.

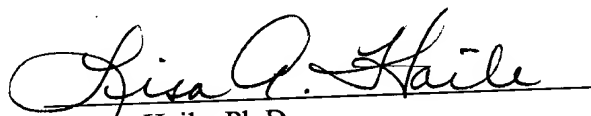
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